

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL GORDON DOUGLAS,

Defendant.

Case No.: 23-CR-80219-AMC

**STATUS REPORT REGARDING MOTION
HEARING LITIGATION ISSUES**

COMES NOW, the United States of America, by and through its undersigned Assistant United States Attorney, hereby offers the status of the outstanding litigation issues scheduled for argument before this Honorable Court on August 15, 2024, and states as follows:

1. **Docket Entry 63 – Government’s Business Record Notice.** No objection or response has been lodged by the defendant.
2. **Docket Entry 51 – Government’s Domestic Public Records for prior conviction Notice.** No objection or response has been lodged by the defendant. The defendant, through counsel, has provided that he is not contesting his prior conviction for purposes of the sentencing enhancement lodged in the Superseding Indictment.
3. **Docket Entry 59 - Government’s Enhanced Penalty Notice.** No objection or response has been lodged by the defendant. The defendant, through counsel, has provided that he is not contesting his prior conviction for purposes of the sentencing enhancement lodged in the Superseding Indictment.
4. **Docket Entry 57 – Government’s Digital Forensic Expert Notice.** No objection or response has been lodged by the defendant.

5. **Docket Entry 47, 61 – Defendant’s Motion to Suppress Statements and Government’s Response.** Within the government’s response are the uncontested statements made by the defendant for which the defendant alleges were an invocation of his right to remain silent or request of counsel (DE 61:2-5). The parties have agreed to stipulate to the audio recording of the interview in evidence before this Court without the need of a witness.
6. **Docket Entry 46, 60 – Defendant’s Motion to Suppress Evidence and Government’s Response.** Within the government’s response are the uncontested interactions between the defendant and law enforcement prior to and during the search of the Toyota Highlander he was arrested in (DE 60:2-8). The parties have agreed to stipulate to these facts such that the Court can adjudge the matter of the motion to suppress, with the following exceptions:
 - a. The parties do not stipulate to facts regarding whether the defendant’s aunt consented to the search of her Toyota Highlander.
7. **Docket Entry 62:21 (Part 3) – Government’s Motion in Limine re Summaries of Data.** The government has yet to produce said summaries. No objection or response has been lodged by the defendant.
8. **Docket Entry 62:22-26 (Part 4) – Government’s Motion in Limine to Publish Child Pornography.** No objection or response has been lodged by the defendant.

9. Docket Entry 48, 62 (Part 2), 67, 75 – Government’s Motion in Limine to introduce other acts as inextricably intertwined, pursuant to Fed. R. Evidence 404(b) or 414.

- a. The defendant has objected to the admission of the facts of the defendant’s prior 2011 conviction being introduced by the government in its case in chief. For purposes of litigating this issue at the motion hearing, the parties stipulate to the facts as alleged in the government’s motion (DE 62:2-5 (Prior 2011 Conviction)) as the facts the government would produce at trial through witnesses. The parties agree that the government does not need to present these witnesses at the motion hearing to support these facts.
- b. No objection or response has been lodged by the defendant to the other evidence the government seeks to introduce in its motion (DE 62:5).

The parties have conferred on each of the above nine (9) issues. The defendant agrees with the statements contained within this status report.

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this pleading was filed via the Court's electronic filing system on August 9, 2024.

s/ Gregory Schiller

Gregory Schiller
Assistant United States Attorney